

Court No. - 40

Case :- WRIT - C No. - 41341 of 2023

Petitioner :- Vinod Pratap Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ram Pravesh Yadav, Swatantra Kumar Rai

Counsel for Respondent :- CSC

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and Shri Ambrish Shukla, learned Addl. Chief Standing Counsel for State respondents.

2. Present writ petition has been preferred for following relief:-

"A. Issue a writ, order or direction in the nature of mandamus directing respondent nos.2 and 3 to ensure the security of life and liberty of the petitioner and his family members so that petitioner and his family members can return home and village, who have been living for years leaving the village and own house due to fear and threat of unsocial ailments."

3. Learned Addl. Chief Standing Counsel has raised preliminary objection regarding the maintainability of the writ petition on the ground that the State Government has issued a Government order dated 9th May, 2014 for providing security, which provides that actual threat perception should exist and that on a mere apprehension security could not be provided. Further, the background, antecedent, criminal history and misuse of security are also relevant considerations to be examined objectively by the District Level Security Committee, at the first instance, while considering the application for grant of security cover and 3 tier system i.e. District level, Regional level and State level is provided for redressal of such dispute. He further submits that if the threat perception is existing, it is always open to the petitioner to move an application as per the Government Order dated 9.5.2014 and in case any application is moved by the petitioner, the authority concerned will consider the said application in accordance with law.

4. We have proceeded to examine the record in question and find substance in the objection raised by learned Addl. Chief Standing Counsel and as such we are not inclined to interfere in the matter. However, if the petitioner moves an appropriate application as per the Government Order dated 9.5.2014, the authority concerned will consider and decide the said application in accordance with

law expeditiously.

5. The writ petition stands **disposed of** accordingly.

Order Date :- 14.12.2023

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